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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,219	01/15/2002	David Carroll Challener	RPS920010114US1	5782

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EXAMINER

PATEL, ANAND B

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,219

Applicant(s)

CHALLENGER ET AL.

Examiner

Anand Patel

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 16-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 12/01/2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 5379342 to Arnold et al (Arnold), in view of US Patent No 6212555 to Brooks, Jr. et al (Brooks).

- As per claim 1, Arnold teaches a computer system comprising:
 - A processor (figure 3, item 300)
 - Input means for receiving input from a user (figure 1, item 112)
 - A display device for providing visual output from the operating system to the user (figure 1, item 106)
 - A system bus connecting the processor to the display device and the input means (column 3, lines 19-20)

- Machine readable storage media coupled to the system bus for storing programs performable by the processor (figure 3, item 108), including a boot block for loading an operating system for the computer system (column 4, lines 4-7)
- A diskette with memory storage media for a second boot block for loading an operating system for the computer (figure 3, item 110) and security code for measuring security compliance of the second boot block when enabled (column 4, line 68 – column 5, line 11)

Arnold fails to disclose a feature card. Brooks teaches a diskette as an art-related equivalent of a feature card (column 2, lines 10-15). An advantage of using a diskette as a feature card is its mobility. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Arnold and Brooks.

Motivation to use a diskette in place of the feature card is its mobility.

- As per claim 2, Arnold discloses a computer system further including
A connector for connecting the feature card to the system bus (figure 3, item 316)
- As per claim 9, Arnold discloses a computer system comprising:
 - A processor located on a system planar (figure 3, item 300);
 - Input means for receiving input from a user (figure 1, item 112);
 - A display device for providing visual output from the software applications to the user (figure 1, item 106);
 - A system bus connecting the processor to the display device and the input means (figure 3, item 322);

- Machine readable storage media located on the system planar with the processor and coupled to the system bus for storing programs performable by the processor (figure 3, item 108)
- An interface adapter for transferring input from the user at the input means to the system bus (It is inherent that a computer system having input means such as a keyboard and a mouse would have an adapter for taking the input received at the input means and transferring it to the system bus.);
- A diskette separate from the system planar and provided with memory storage media for a second boot block for loading an operating system for the computer (figure 3, item 110) and security code for measuring security compliance of the second boot block when enabled (column 4, line 68 – column 5, line 11); and
- A connector for connecting the feature card to the system bus (314).

Arnold fails to disclose a feature card. Brooks teaches a diskette as an art-related equivalent of a feature card (column 2, lines 10-15).

4. Claims 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold, in view of Brooks and US Patent No 5410699 to Bealkowski et al (Bealkowski).

- As per claim 3, Arnold and Brooks do not disclose a switching mechanism. Bealkowski teaches a switch mechanism for indicating which of the boot blocks is to load an operating system for the computer system (column 7, lines 34-36). It would have been obvious to one of ordinary skill in the art at the time of invention to integrate the switching capability taught by Bealkowski into the alternate boot scheme taught by Arnold. The motivation to combine is the ability to selectively choose a boot path based on the status of a fixed disk. For

example if the hard disk drive is damaged, the system will boot from a diskette (column 2, lines 64-66).

- As per claim 4, Bealkowski discloses a computer system wherein the switch mechanism includes a control switch (figure 6a, item 151).
- As per claim 5, Bealkowski teaches a computer system wherein the control switch activates the second boot block when the feature card is enabled (column 11, lines 1-2; figure 6a, items 151, 153).
- As per claim 6, Bealkowski teaches a computer system wherein the control switch activates the boot block in the machine storage media when the feature card is disabled (column 11, lines 14-17; figure 6a, items 151, 150).
- As per claim 7, Bealkowski teaches a system that is susceptible to a system reset (column 7, lines 48-50), and the feature card includes logic responsive to the switch mechanism for inhibiting operation of the feature card if the boot block in the machine readable storage media is enabled (column 10, lines 28-32; Booting from the fixed disk is always enabled in the non-priority and non-recovery modes. Thus the IBL selects the boot program from the fixed disk and loading of the boot program from the feature card is inhibited.).
- As per claim 8, Bealkowski discloses a computer system further including a latch mechanism for storing output of the switch mechanism indicating which of the boot blocks is to load an operating system for the computer system (column 5, lines 61-63).

The NVRAM is used to store system configuration data. Since configuration data regarding the boot scheme would also be included in the general set of system configuration data, the reference reads on this limitation.

- As per claim 10, Bealkowski discloses a switch mechanism for indicating which of the boot blocks is to load an operating system for the computer system (column 7, lines 34-36).
- As per claim 11, Bealkowski discloses a computer system wherein the switch mechanism includes a control switch (figure 6a, item 151).
- As per claim 12, Bealkowski teaches a computer system wherein the control switch activates the second boot block when the feature card is enabled (column 11, lines 1-2; figure 6a, items 151, 153).
- As per claim 13, Bealkowski teaches a computer system wherein the control switch activates the boot block in the machine storage media when the feature card is disabled (column 11, lines 14-17; figure 6a, items 151, 150).
- As per claim 14, Bealkowski teaches a system that is susceptible to a system reset (column 7, lines 48-50), and the feature card includes logic responsive to the switch mechanism for inhibiting operation of the feature card if the boot block in the machine readable storage media is enabled (column 10, lines 28-32; Booting from the fixed disk is always enabled in the non-priority and non-recovery modes. Thus the IBL selects the boot program from the fixed disk and loading of the boot program from the feature card is inhibited.).
- As per claim 15, Bealkowski discloses a computer system further including a latch mechanism for storing output of the switch mechanism indicating which of the boot blocks is to load an operating system for the computer system (column 5, lines 61-63).

The NVRAM is used to store system configuration data. Since configuration data regarding the boot scheme would also be included in the general set of system configuration data, the reference reads on this limitation.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent No 6763458 to Watanabe et al discloses a system that periodically checks for a card or memory device from which to boot and decides to boot from that particular card or device if it is found.
- US Patent No 6415351 to Kobayashi et al discloses a system wherein a detachable IC card can be used to boot the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Patel whose telephone number is (571) 272-7211. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2116

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ABP


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